

APPROVED: Meeting No. 15-82

ATTEST: *William E. Hanna, Jr.*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
MEETING NO. 13-82

April 12, 1982

The Mayor and Council of Rockville, Maryland, convened in executive session in the Board and Commissions Room, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 3:00 p.m. on Monday, April 12, 1982, to discuss personnel matters and the establishment of a business in this state.

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 6:00 p.m.

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, at 8:05 p.m. on Monday, April 12, 1982.

# PRESENT

Mayor William E. Hanna, Jr.

Councilman Steve Abrams

Councilwoman Phyllis Fordham

Councilman John Freeland

Councilman John Tyner

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Roger Titus; Director of Recreation and Parks Ronald Olson; Chief of Police Jared Stout; Assistant City Manager Daniel Hobbs; Director of Planning James M. Davis; Director of Public Works Robert Goodin; Information Officer Sue M. Patterson; Director of Finance John Lawton; Budget Officer Anna Lee Berman; Director of Community Development and Housing Assistance Douglas Horne; Assistant City Attorney Sondra Harans Block;

Mayor Hanna took a few minutes to talk about his recent trip to Australia and New Zealand and took this time to present to the Council and the City Manager gifts he picked up while on vacation.

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Re: City Manager's Report

Mr. Blick reported the following:

1. The City has received from the state a \$53,000.00 Outdoor Recreation Land Loan for improvements to the Woodley Gardens Park. This amount represents 75 percent of the eligible project costs. The project proposes the lighting of two tennis courts and one multi-purpose court.

2. The public is invited next Sunday to the dedication of the new Senior Citizens Center located in the Woodley Gardens elementary school.

3. 4,000 easter eggs were found at the annual Rockville Easter Egg Hunt held at the Civic Center and Welsh Park yesterday.

Re: Award of Contract:  
 Bid No. 39-82, Park Road  
 Traffic Signal

Two bids were received for Bid No. 39-82, Park Road Traffic Signal:

Hawkins Electric Company	\$40,282.75
Simpson Electric Company	\$61,167.00
Engineer's Estimate	\$44,720.00

Hawkins currently holds the City's traffic signal maintenance contract and was the contractor on the Gude Drive/Taft Street signal installation last year. Simpson is the signal maintenance contractor for the City of Annapolis and does extensive signal installation work in that part of the state.

The budget appropriation for this is \$105,000. This bid does not include approximately \$27,000 already expended or encumbered by the City for control equipment, poles, markings, and signs. In addition, approximately \$6,000 has been spent on design to date. Assuming that all necessary equipment is delivered on time, the signal should be operating by June 15.

Staff recommends awarding Bid No. 39-82 to Hawkins Electric Company for its low bid of \$40,282.75.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, Bid No. 39-82 for Park Road Traffic Signal was awarded to the low bidder, Hawkins Electric Company in the amount of \$40,282.75.

Re: Award of Contract: Bid  
 No. 40-82, Lawn maintenance

Bids were opened in the Council Chamber, at 3:30 p.m. on March 19, 1982.

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The bids were as follows:

Classic Landscaping Co., Mt. Airy, Maryland	\$1081.50
Commercial Lawn & Landscaping Co., Rockville, MD	1110.06
Kelly Landscaping Company, Germantown, Maryland	1218.00
Pinegrove Landscape Contractors, Rockville, Maryland	2268.00

The work is to include an average mowing once every two weeks, a total of 12 mowings during the growing season. This includes the edging of all curbs and walks; trimming around all trees and plantings, and along the city-owned side of all fences. Each mowing is to be preceded by the removal of all litter, bottles, broken limbs, etc. Any damage to City property caused by the contractor is to be repaired by the Contractor at his expense.

To provide for the contracted mowing of Ritchie Parkway from Glen Mill Road to Seven Locks Road, the following has been budgeted: FY 82 spring mowings (6)=\$7,150; FY 83 fall mowings (6)=\$7,000 for a total for this contract of 14,150.00

Staff recommends an award to Classic Landscaping Company for \$12,978.00

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 40-82, for lawn maintenance, was awarded to the low bidder, Classic Landscaping Company in the amount of \$12,978.00.

Re: Award of Contract: Bid  
No. 41-82, Furniture for  
Senior Center

Bids were opened for the senior citizen's center furniture at Woodley Gardens at 3:00 p.m. on March 29, 1982.

The bids were as follows:

Stacking Chairs and Adjustable Folding Tables

Sears Roebuck & Co., Bethesda, Maryland	\$12,784.70
Baltimore Office Furniture, Co., Owings Mills, MD	14,181.85
Douron Inc., Owings Mills, Maryland	14,400.97

Round and Rectangular Tables

Baltimore Office Furniture Company	\$ 3,845.80
Douron Inc.,	3,921.48
Glover School and Office Equipment Inc., Cockeysville, MD	4,405.00
Sears Roebuck and Co.	7,098.85.

Staff recommends an award to Sears Roebuck and Co. for \$12,784.70 and to Baltimore Office Furniture Company, for \$3,845.80.

On motion of Councilman Tyner, duly seconded and unanimously passed, Bid No. 41-82, furniture for Senior Center, was awarded to Sears

Roebuck & Co for stacking chairs and adjustable folding tables in the amount of \$12,784.70, and to Baltimore Office Equipment Inc. for round and rectangular tables in the amount of \$3,845.80.

Councilman Tyner asked if this was the last of the furniture needed for the Senior Center. Mr. Blick said it was.

Re: Approval of policy for  
installing high pressure  
sodium streetlights

The Maryland Public Service Commission has approved PEPCO's proposed revisions in the streetlight rate design which shifts the cost burden from high pressure sodium to mercury vapor lights and increases the cost burden of underground-wired lights relative to overhead-wired lights. These revisions are in line with changes sought by the City over the past two years. The exact rate impact of the PSC order cannot be determined until PEPCO files its revised rate schedule after April 20 which is the effective date of the order.

The rate design change has the following impacts:

- High pressure sodium streetlighting will be the most economical system to operate for both overhead and underground served lights.
- Underground-wired systems will cost up to 150 percent more per unit for maintenance and fixed charges than overheads. Previously, underground charges were comparable to or less than overhead.
- The City will have to pay the full cost of converting existing streetlights to either a different size or type of bulb. In the past, this was done by the utility at no charge and recovered in the rate change base. The cost savings for HPS is overhead-wired systems is not sufficient to justify conversions, while the cost of converting existing underground-wired systems could be recovered within 10 years.

Due to these rate design changes, it is recommended that future installations of new streetlighting systems, not including individual streetlights added to existing systems, should be specified to be high pressure sodium type. This would change current specifications for the 31 Ritchie Parkway lights from 250 watt mercury vapor to 150 watt HPS, and affect future sub-divisions such as the one now planned on the Carter property off Ritchie Parkway.

Following a review of the cost savings based on the rates as finally revised, the Director of Public Works will prepare a multi-year plan for converting existing underground-wired streetlights from mercury vapor to high pressure sodium, as well as converting some individual mercury vapor overhead units at various points of intersection with new HPS systems.

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On motion of Councilwoman Fordham, duly seconded and unanimously passed, staff's recommendation that future installations of new streetlighting systems be high pressure sodium type was approved by the Mayor and Council.

Councilman Tyner noted that there is a memo in FYI from the Energy Commission approving the use of HPS lights.

Re: Adoption of Resolution: To Amend the Charter of the City so as to establish as one of the requirements of voting in City elections, that a voter must be 18 years of age prior to the date of any City general election; to provide for the filing of nominating petitions at least thirty calendar days preceding the general elections; and to eliminate the requirement that signers of a nominating petition state their intention to vote for the person named in the petition and to substitute therefor a statement that the signers of a nominating petition request that the name of the candidate be placed on the ballot.

Resolution No. 9-82

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 9-82, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, amending the Charter of the City, was adopted by the Mayor and Council.

Re: Adoption of Ordinance: To revise and amend appropriation ordinance for FY 82

Ordinance No. 12-82

On motion of Councilman Freeland, duly seconded and unanimously passed, Ordinance No. 12-82, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, revising and amending the appropriation ordinance for FY 82, was adopted by the Mayor and Council.

Re: Citizen's Forum

The Mayor opened the meeting to all those citizens who wished to address the Mayor and Council.

1. Howard Silberstein. 2008 Dundee Road. Mr. Silberstein asked if the Mayor and Council had received a letter from Winmar/Nordal regarding possible employment for Rockville citizens. Mr. Blick said no letter had been received.

2. Robert Weirich, Chairman of the Traffic & Transportation Commission. Mr. Weirich spoke to the Council about the dangerous situation that exists for pedestrians crossing the intersection at Dawson Avenue and North Washington Street. The Commission has reviewed staff reports and analyses and citizen opinion concerning traffic control for this particular location. As a result, the commission would like to offer two solutions. One would be to build a four foot refuge island to run down the middle of North Washington Street. This would allow pedestrians to cross at least half way. The cost of such an island would be \$6,300. It will not have as great a total benefit as a signal, but it will be more cost effective. An island will provide the necessary gaps for pedestrians to cross the street. The second solution would be to move the Giant parking lot entrance and install a signal. The cost of the traffic signal alone is \$35,000. The cost of relocating Giant's driveway must also be considered. The installation of a traffic light will also throw off the synchronization of traffic lights along North Washington Street. The Commission recommends the building of the traffic island with installation of a signal should the island not work.

Councilman Abrams asked if the survey taken during peak hours took into consideration those people discouraged from crossing the street. Mr. Weirich said there was no way to measure that. Mr. Weirich added, though, that senior citizens and the handicapped were taken into consideration.

3. Mike Gordon, 207 Upton Street. Mr. Gordon told the Council that he has become discouraged in trying to cross at this intersection and no longer walks to work. He said he prefers to drive his car the three blocks. He informed the Council that a neighbor of his was brushed by a car last week while trying to cross there. He reminded the Council that he brought this problem to the Council last January and reiterated his request for a traffic light.

4. Lisa Taylor. Mrs. Taylor made the same request as Mr. Gordon and told the Council that she was grazed by a Mercedes last week at the intersection. She said she feels that the cost of a signal is not as important of a factor as a human life.

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4. Jim Vitol, 11 Wall Street. Mr. Vitol spoke to the Council regarding the revitalization of the Town Center and expressed his concern over some of the problems that still need to be resolved and hoped that the Mayor and Council will move forward with a contract. He reminded the Mayor and Council of the long delays experienced in building the Mall only for it to become a "white elephant" due to the building of White Flint and Montgomery Mall.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Decision - Introduction of Ordinance to grant Text Amendment Application, T-51-82, Mayor and Council of Rockville, Applicant, to allow the Planning Commission some flexibility in approving use permit applications within the Town Center Planning Area re parking and urban design controls.

On motion of Councilman Freeland, there was introduced upon the table, an Ordinance to grant Text Amendment Application, T-51-82, Mayor and Council of Rockville, Applicant, said ordinance to lay over at least 1 week before final action is taken.

Mayor Hanna explained that the Council is planning to further act on this item under new business and also plans to waive the lay over period.

Re: Resolution to Establish values and authorize execution of agreement for sale and/or lease of disposition parcels 2N, 1A, 1B and 1C, Mid City Urban Renewal Project area.

For the benefit of the citizens present in the audience, Mayor Hanna explained that in the past few weeks, the Mayor and Council has had a great number of discussions with staff, with themselves, with citizen groups, and with the developers. He recalled that a contract was to be signed on March 15, but because of the concerns of the Citizens, that decision was delayed until tonight. He added that although there still appears to be some concerns that need to be worked out, he feels the Mayor and Council have arrived at a basic understanding as to what they want and how they intend to proceed. The Mayor explained that what was being proposed tonight is a letter of understanding which, if the Mayor and Council approves, he will sign and give to the developers. He explained that the letter outlines the major concerns expressed by individuals as a result of discussions between the Council and citizens and the Council themselves, and he feels that a majority, if not all, will approve the letter of understanding.

Mayor Hanna explained in detail that there will be a further period of 60 days for certain things to take place at the end of which time the then Mayor and Council will approve the disposition agreement. It is not a contingency, it is an affirmation that the agreement will be approved subject to certain things in the letter of understanding being complied with. If any member of the Mayor and Council wishes to state differently, he or she may do so, but it is understood that each member will sign the disposition agreement in 60 days.

During this sixty day period, Winmar will be performing market studies and will make every effort to investigate the feasibility of including the Mall in their overall development. This is something many people felt was necessary to take place at this time. Secondly, there is in the letter of understanding, a statement that the Mayor and Council will sign the disposition agreement. This is in there for the benefit of the developers so he knows that he has a positive statement from the Mayor and Council. This is to support the developers just as the Mall study is to support the citizens and the incoming Mayor and Council. Thirdly, a statement will be incorporated into the disposition agreement that two parcels slated for office development will be put into a residential category providing it is economically feasible. If it is totally uneconomical to be rezoned from office to residential, the developers will have the option to walk away if they so desire and \$100,000 will be returned to them at that time.

Mayor Hanna said that this arrangement meets with the major objective of all who have spoken and with the letter of understanding and with the provisions stated, he can sign it for he supports it.

Councilman Freeland said he felt that all the key issues the Mayor mentioned is the result of citizen input which was valuable to tonight's decision. He commended Winmar for their time and feels they are comfortable with the negotiation and action being taken this evening. He also feels it is best for the citizens. He added that there are no major differences, there are only minor ones to be worked out. He said he is quite comfortable with the agreement and he plans to go ahead with it. He said it puts the next Mayor and Council in a position to carry out the wishes laid out this evening.

Councilman Freeland moved, seconded by Councilman Tyner, to approve the letter of understanding.



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Councilman Abrams said he is in agreement with Mayor Hanna on the development concept and on the concept laid out in the disposition agreement. He explained that this is a formal execution and no Mayor and Council can withhold their approval from the agreement. Councilman Abrams commented on the parking, the limitation of development on top of the Mall, and of the implications of bankruptcy proceedings involving the Mall for which a provision is being inserted for protection of all individuals. Councilman Abrams said he endorses wholeheartedly this agreement.

Councilwoman Fordham said she has difficulty with this letter of understanding that the Council is entering into tonight. The Council has said that it would sign or not sign a contract tonight and she is not pleased with this delay. She thinks signing of this letter is not the best thing to do, however, if the majority of the Council wishes to do it this way, and the developer is willing to also do less, then she will reluctantly agree. She added that any letter signed is binding and it should not be difficult into holding people to an agreement.

Councilman Tyner said he has a great deal of admiration for the developer, for the staff, for his colleagues and for the citizens. He explained that the action will go from the Mayor and Council to the Planning Commission during the development process and back again to the Mayor and Council for final approval.

A vote was called for on Councilman Freeland's motion to approve the letter of understanding. With all voting aye, the motion passed unanimously. Mayor Hanna then proceeded to sign the Letter of Understanding.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Delegate Ida Ruben, re gas tax  
Delegate Don Robertson, re gas tax  
Senator Jim Clark, re gas tax
2. Ralph and Martha Caruso re senior citizen trip
3. E. F. Gable re law violation
4. I. Nickels re Falls Road interchange
5. Progressive Citizen's Association re public safety

Councilwoman Fordham said she found this letter heartening and said it is a good place to work on the neighborhood watch program. She asked that the staff work with the civic association and see what can be done.

6. R.K. Swartz, re cement contractor
7. R. Arkin, Chairman of the Board of Appeals, re parking at Montgomery College

Councilman Tyner asked if it was the feeling of the staff that this problem should be dealt with at budget time and will it need a traffic study. He asked the City Manager if he was preparing something for the Council. The City Manager said he is looking at the work load and at past information regarding this problem.

8. HUD, re periodic review
9. J. E. Eithington, re parking ticket

Re: Information Items

The Mayor and Council noted the following items of information:

1. News article re County's solid waste plant site and citizen opposition
2. Copy of letter to Director of Recreation and Parks re recent petition on 'non-resident' club members
3. News article on former Street 70 actor
4. More on the 300 block of Mount Vernon Place
5. Notice of Open Space grant approval
6. Rockville Civic Federation letter in support of HB1400 and SB661
7. Finance Department project report

Councilwoman Fordham commented on item number 5 in the report regarding the City's pension management plan. At the last meeting of the Retirement Board there was a discussion on this and at that time she withheld her comment until more information was available. She feels it is the best way to get continual best investment and she agrees with it.

8. Memo from Energy Commission re sodium lights
9. Copy of letter and response re citizen suit
10. Memo from City Attorney re College Gardens suit

Mayor Hanna said this was the second major victory for the City in regard to the Gude Drive suit. The District Court first ruled in our favor. The suit was then taken to the Court of appeals who issued support in our favor. The next step would be to the Supreme Court. Mayor Hanna recognized Assistant City Attorney Sandra Harans Block who handled the responses and added that she deserves recognition for her work.

11. Memo from City Attorney re redistricting suit
12. Memo from CDHA re B&O station
13. Copy of letter from R. Edwin Brown re King property

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## 14. Crossing North Washington Street in traffic

Councilman Tyner questioned the possibility of relocating the Giant Food driveway and said he is not sure if Giant would go along with this idea. He suggested the Giant store be contacted if this idea is to be considered. He also asked who would pay for relocating the driveway. He asked the City Manager to come back next week with more information. Councilman Abrams asked if staff has had any contact with Giant. The City's traffic engineer said no. Councilman Freeland said negotiations could take six months with Giant. He thinks the Traffic and Transportation Commission should be made aware of this and get a signal installed there now and look at the possibility of relocating the driveway at a later time. He added that discussion could go on for a year and does not want to see that happen. He suggested that the island be also installed. Councilman Tyner said he agreed. Mr. Blick said staff finished their report this afternoon and it is available for the Council this evening.

Re: New Business

1. Councilman Abrams said the T-51-82 ordinance should be amended to reflect the discussion of the Mayor and Council. Mr. Titus said there was no need to amend the ordinance because the material has already been inserted. Councilman Abram then briefly explained the ordinance.

Councilman Abrams moved, duly seconded and unanimously passed, to waive the lay over period on the ordinance in order to adopt it this evening.

Ordinance No. 13-82

On motion of Councilman Abrams, duly seconded and unanimously passed, Ordinance No. 13-82, the full text of which can be found in Ordinance Book No. 10 of the Mayor and Council, granting Text Amendment Application, T-51-82, Mayor and Council of Rockville, Applicant, allowing the Planning Commission some flexibility in approving use permit applications within the Town Center Planning Area regarding parking and urban design controls, was adopted by the Mayor and Council.

2. Mr. Blick handed to the Council a proposed agreement between the City and Montgomery County in which the City would act on behalf of the County for the negotiation and acquisition of right of way for the construction of Ritchie Parkway. Mr. Blick noted that the Mayor and Council has approved the right of way along Rockville Pike where the proposed Ritchie Parkway would intersect. The City is now in the position of having to purchase the land for the Ritchie Parkway right of way since otherwise the owners could go ahead and develop the property. He explained that the agreement with the County provides for certain funding which will help relieve the financial burden to the City and also, if necessary, for the County to use its advance acquisition fund. Mr. Blick further outlined the important issues of the agreement and said it is his recommendation that the Council approve this agreement.

On motion of Councilwoman Fordham, duly seconded and unanimously passed, the agreement between the City of Rockville and Montgomery County regarding the negotiation and acquisition of the right of way and the construction of Ritchie Parkway, was approved by the Mayor and Council.

(At this time, Councilmembers Freeland and Fordham stepped out of the meeting)

Re: Approval of Minutes

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of those present, the Minutes of Meeting No. 9-82, March 8, 1982, were approved as written.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of those present, the Minutes of Meeting No. 10-82, March 15, 1982 were approved as written.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of those present, the Minutes of Meeting No. 11-82, March 22, 1982, were approved as amended.

(Councilman Freeland returned to the meeting at this time.)

On motion of Councilman Freeland, duly seconded and passed by unanimous vote of those present, the Minutes of Meeting No. 13-82, March 29, 1982, were approved as written.

Re: Executive Session

On motion of Councilman Freeland, duly seconded and passed by unanimous vote of all present, the meeting was closed for executive session to discuss litigation and personnel.

Re: Adjournment

There being no further business to come before the Mayor and Council in executive session, the meeting was adjourned at 11:00 p.m. to convene again in general session on Monday, April 19, 1982, at 8:00 p.m. or at the call of the Mayor.